

CITY OF LEWISTON

CITY COUNCIL

JUNE 15, 2010

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Jean

Pledge of Allegiance to the Flag.

Moment of Silence.

RECOGNITION OF THE LEWISTON HIGH SCHOOL GIRLS ICE HOCKEY TEAM

Mayor Gilbert presented certificates of congratulations and achievement to the LHS girls hockey team players on their outstanding season this year. Members of the Legislative Delegation also attended and presented the team with a Legislative Sentiment congratulating them on a great year. The team won the 2010 Eastern Maine Girls' Ice Hockey Championship.

REPORT FROM THE LEWISTON YOUTH ADVISORY COUNCIL

It was noted that Matthew Beauparlant is the outgoing chairperson of LYAC. Earlier in the month, members were interviewed on a local cable TV station to talk about their organization. LYAC members will be planting a flower bed in front to the Armory building as part of the City's beautification efforts. Interviews for members for next year were conducted recently and members will be introduced at the July Council meeting. It was noted there are four graduating members this year. The Mayor and Councilor Butler thanked the LYAC members for their great work this past year.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE LEWISTON SOCIAL CLUB, 347 LISBON STREET

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (187-2010)

Motion by Councilor Cayer, seconded by Councilor Poulin:

To grant a special amusement permit for live entertainment to the Lewiston Social Club, 347 Lisbon Street. Passed - Vote 6-0

PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR THE STREET REHABILITATION PROJECT

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (188-2010)

Motion by Councilor Butler, seconded by Councilor Morgan:

Be It Ordered that the Bond Resolution of the Municipal Officers of the City of Lewiston, Maine, regarding the authorization to issue bonds in the amount of \$1,370,000 for the Street Rehabilitation Projects, and authorizing and approving the bond documents, be adopted:

ORDERED, That \$1,370,000 be appropriated for financing Street Rehabilitation Projects;

FURTHER ORDERED, That to meet this appropriation, \$1,370,000 shall be raised by a Public Improvement Bond Issue;

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$1,370,000 Public Improvement Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

FURTHER ORDERED, That the bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

FURTHER ORDERED, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 6-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LEWISTON FARMERS MARKET CONCERTS

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (189-2010)

Motion by Councilor Morgan, seconded by Councilor Butler:

To conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Lewiston Farmers Market Association for outdoor music concerts for the Market to be held at Kennedy Park on June 29, July 20, July 27 and August 24, contingent upon positive recommendations

from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

Passed - Vote 6-0

RESOLVE ADJUSTING THE EFFECTIVE DATE OF THE PREVIOUSLY APPROVED DEVELOPMENT FEE SCHEDULED FROM JULY 1, 2010 TO JUNE 28, 2010

VOTE (190-2010)

Motion by Councilor Cayer, seconded by Councilor Morgan:

To approve the Resolve adjusting the effective date of previously approved Development Fee Schedules from July 1, 2010 to June 28, 2010:

Whereas, on April 20, 2010, the City Council adopted new development fee schedules to be effective July 1, 2010; and

Whereas, these changes are a component of the EnerGov software project undertaken in conjunction with the City of Auburn and were designed to align the fees charged by Lewiston and Auburn; and

Whereas, the fee change was intended to align with the date on which the EnerGov software became available for internal use by our staff and that of Auburn; and

Whereas, we now plan to go operational with EnerGov on Monday, June 28, 2010; and

Whereas, it is appropriate that the new fee schedule go into effect at the same time;

Now, therefore, Be it Resolved By the City Council of the City of Lewiston that the new development fee schedules incorporated in the Policies listed below will become effective on June 28, 2010.

Policy 4 -- Building Permit Fee Schedule

Policy 16 -- Electrical Permit Fee Schedule

Policy 43 -- Plumbing Permit Fee Schedule

Policy 71 -- Zoning and Land Use Code Application Fee Schedule

Passed - Vote 6-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT A CHANGE IN PURPOSE FOR CAPITAL FUNDS – LANDFILL SCALE AND SCALE MANAGEMENT SYSTEM

Councilor Poulin asked why the original estimate for the work was so high. Public Works Director David Jones stated the square footage area to be covered was reduced from the original amount and some of the work that was going to be contracted out was done in house.

VOTE (191-2010)

Motion by Councilor Butler, seconded by Councilor Morgan:

To approve the Order authorizing the City Administrator to implement a change in purpose for Capital Funds – Landfill Scale and Scale Management System:

Whereas, the 2008-2009 City Council authorized \$225,000 in funds for the purchase and installation of interim cover at the City’s secure landfill, in accordance with Maine’s environmental regulations (CMR 401.4(C)(6&8)); and

Whereas, the actual expense of installing the interim cover was \$27,941, resulting in a savings of \$197,059, which remains in account 700 – 7007312; and

Whereas, the City’s Solid Waste Division has requested funding to replace a truck scale and scale management software & hardware due to age of the equipment and maintenance issues associated with this equipment; and

Whereas, the funds remaining in account 700 – 7007312 will cover the estimated expense for the purchase & installation of the replacement truck scale and scale management system; and

Whereas, any additional delay may result in the City’s Solid Waste Facility becoming unable to monitor weights and charge fees associated with those weights due to equipment maintenance issues;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to implement a Change In Purpose for those funds, \$197,059, remaining in account 700 – 7007312, for the purpose of replacing the inbound truck scale and all software & hardware associated with the Scale Management System located at the City’s Solid Waste Facility.

Passed - Vote 6-0

ORDER AUTHORIZING A \$1.00 MINIMUM CHARGE ON ALL CREDIT CARD TRANSACTIONS PROCESSED THROUGH THE CITY’S THIRD PARTY PROVIDER - PAYPORT

VOTE (192-2010)

Motion by Councilor Morgan, seconded by Councilor Cayer:

To approve the Order authorizing a \$1.00 minimum charge on all credit card transactions processed through the City’s third party provider – PayPort:

Whereas, the City is contracting with PayPort to serve as our third party provider for over-the-counter and online credit card transactions; and

Whereas, PayPort has established uniform processing and surcharge guidelines, including a 2½% surcharging on all credit card transactions except for on location parking garage fees, with a minimum charge of \$1; and

Whereas, the City Council has previously approved assessing the 2½% surcharge on all applicable credit card transactions at the April 20, 2010 City Council meeting;

Now, Therefore, Be It Ordered By the City Council of the City of Lewiston that the City Administrator is hereby authorized to charge a minimum credit card surcharge fee of \$1 on all credit card transactions of \$40 or less, effective July 1, 2010. The previously approved surcharge fee of 2.5% shall remain in effect on all transactions for more than \$40.

Passed - Vote 6-0

**RESOLVE ACCEPTING AN EQUIPMENT GRANT FROM SPORTS INC.'S
SPORTSTREND CIVIC PROJECT FOR A WRESTLING MAT FLOOR SYSTEM**

Councilor Cayer questioned why the City is creating new programs at a time when it is struggling financially to maintain the current programs. Joline Banaitis, Deputy Director of Recreation, stated that all new programs going forward need to be self-supporting programs.

VOTE (193-2010)

Motion by Councilor Butler, seconded by Councilor Morgan:

To approve the Resolve accepting an equipment grant from Sports Inc.'s Sportstrend Civic Project for a wrestling mat floor system:

Whereas, in early March 2010, Sandy Heldman, owner of Gee & Bee Sporting Goods in Auburn, contacted the Recreation Department to inform us that additional equipment funding was available through Sports Inc.'s Sportstrend Civic Project; and

Whereas, the Department submitted a grant application for a wrestling mat floor system that will allow for developing a wrestling program as well as a mixed martial arts program; and

Whereas, the Department has been awarded an equipment grant for this purpose in the amount of \$11,000;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that an \$11,000 equipment grant from Sports Inc.'s Sportstrend Civic Project for a wrestling mat floor system is hereby accepted for the purpose of developing a wrestling and mixed martial arts program.

Passed - Vote 6-0

**RESOLVE ACCEPTING A GRANT FROM THE MAINE CENTER FOR DISEASE
CONTROL AND PREVENTION – COMPREHENSIVE CANCER CONTROL
PROGRAM**

VOTE (194-2010)

Motion by Councilor Cayer, seconded by Councilor Morgan:

To approve the Resolve accepting a grant from the Maine Center for Disease Control and

Prevention – Comprehensive Cancer Control Program:

Whereas, the Recreation Department submitted a grant to the Maine Center for Disease Control and Prevention’s Comprehensive Cancer Control Program, the purpose of which is to “support the integration of skin protection education and the practice of sun safety into the program of Maine’s recreation departments through the creation of sun-safe play and athletic environments for the youth of Maine;” and

Whereas, the Department requested funding to purchase portable shade structures that block up to 98 % UV rays to be located at various recreation sites in the City; and

Whereas, the Department received a mini grant for this purpose in the amount of \$2000;

Now, therefore, Be it Resolved by the City Council of the City of Lewiston that a \$2,000 grant from the Maine Center for Disease Control and Prevention, Comprehensive Cancer Control Program, is hereby accepted for the purpose of purchasing portable shade structures for use at various recreation sites in the City of Lewiston.

Passed - Vote 6-0

APPOINTMENT TO THE LEWISTON AUBURN TRANSIT COMMITTEE

VOTE (195-2010)

Motion by Councilor Morgan, seconded by Councilor Cayer:

To appoint Craig Saddlemire of 75 Maple Street to serve as a member of the Lewiston Auburn Transit Committee for a three year term, said term to expire June 15, 2013. Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (196-2010)

Motion by Councilor Butler, seconded by Councilor Morgan:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$916.00, or any portion thereof, in the case of the State of Maine vs. Victor Lara, Jr., CR-09-1088 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the >City of Lewiston Drug Enforcement Program= account.

Passed - Vote 6-0

REPORTS AND UPDATES

Mayor Gilbert commented on the new Mayor’s Against Illegal Guns program and Project Safe Neighborhood, and distributed information packets to the Councilors on these programs. Councilor Poulin said the school is launching a pilot program that requires students to perform

five hours of community service a year in order to graduate. He noted this program was created based upon an effort leady by students. He also stated the School Department recently submitted a list of local schools to the state that are in need of repair or replacement – Martel, Longley and the Middle School.

OTHER BUSINESS

No other business was presented at this time.

VOTE (197-2010)

Motion by Councilor Butler, second by Councilor Bernier:

To adjourn at 7:45 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine